

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELLIOT STEIN AND DORINDA MEDLEY,

Petitioners,

Index No. 14–CV–3635(LLS)

-against-

RESPONDENT’S ANSWER

ROBERT CHEEVERS,

Respondent.

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Respondent, Robert Cheevers, by his attorneys, Bushell, Sovak, Ozer & Gulmi LLP, as and for the Answer to the Petition in the above-entitled action, respectfully alleges as follows:

1. Respondent admits the allegations in contained paragraph 1 of Petitioners’ Petition.

2. Respondent admits the allegations in contained paragraph 2 of Petitioners’ Petition.

3. Respondent admits the allegations in contained paragraph 3 of Petitioners’ Petition.

4. Respondent refers all questions of law to the Court and otherwise denies the remaining allegations contained in paragraph 4 of Petitioners’ Petition.

5. Respondent refers all questions of law to the Court and refers the finder of fact to the referenced operating agreement, which speaks for itself, and otherwise denies the remaining allegations contained in paragraph 5 of Petitioners’ Petition.

6. Respondent refers the finder of fact to the referenced Operating Agreement, which speaks for itself, and otherwise denies any remaining allegations contained in paragraph 6 of Petitioners' Petition.

7. Respondent admits he did not fully participate in any AAA mediation, and otherwise denies knowledge and information sufficient to form a belief as to the remaining factual allegations contained in paragraph 7 of Petitioners' Petition.

8. Respondent admits he did not fully participate in any AAA mediation, and otherwise denies knowledge and information sufficient to form a belief as to the remaining factual allegations contained in paragraph 8 of Petitioners' Petition.

9. Respondent denies the allegations contained in paragraph 9 of Petitioners' Petition, except admits that he did not fully participate in the referenced Arbitration.

10. In response to the allegations contained in paragraph 10 of the Petitioner's Petition, Respondent refers the finder of fact to the referenced February 4, 2014 Arbitration award which speaks for itself.

11. In response to the allegations contained in paragraph 11 of the Petitioner's Petition, Respondent refers the finder of fact to the referenced February 4, 2014 Arbitration award which speaks for itself.

12. In response to the allegations contained in paragraph 12 of the Petitioner's Petition, Respondent refers the finder of fact to the referenced February 4, 2014 Arbitration award which speaks for itself.

13. Respondent refers all questions of law to the Court and otherwise denies the remaining allegations contained in paragraph 13 of Petitioners' Petition.

14. Respondent denies knowledge or information sufficient to form a belief as to the veracity of the factual allegations contained in paragraph 14 of Petitioners' Petition.

Answering the Prayer for Relief

15. Respondent denies Petitioners are entitled to the relief sought.

Petitioner's Affirmative Defenses

Respondent denies all allegations which otherwise have not been expressly admitted in this Answer. Additionally, Respondent asserts the following affirmative defenses to Petitioners' Petition, without prejudice to its denials and all other statements in its answer and elsewhere. By asserting these defenses, Respondent does not assume the burden of proof on these defenses when substantive law provides otherwise.

1. The Petition fails to state claims upon which relief may be granted against Respondent in Petitioners' favor.

2. Petitioners and Respondent are operating under a valid Operating Agreement and Petitioners have failed to comply with the dispute resolution and arbitration requirements contained in the same.

3. Petitioners have not suffered any injury to its business or property by reason of any alleged conduct by Respondent.

WHEREFORE, Respondent Robert Cheevers demands judgment against
Petitioners as follows:

- (i) dismissing Petitioners' Petition in its entirety.

Dated: New York, New York
July 10, 2014

BUSHELL, SOVAK, OZER & GULMI LLP

By: 

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